

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are respectfully requested.

The specification and abstract have been reviewed and revised to improve their English grammar. The amendments to the specification and abstract have been incorporated into a substitute specification and abstract. Attached are two versions of the substitute specification, a marked-up version showing the revisions, as well as a clean version. No new matter has been added.

Original claims 1-25 have been cancelled without prejudice or disclaimer to the subject matter contained therein and replaced by new Claims 26-49. The new claims generally recite the subject matter of the original claims in improved form.

Original claim 34 was rejected under 35 USC § 101 for failure to recite statutory subject matter. However, this rejection is considered moot based on the cancellation of original claim 24. In addition, this rejection is clearly inapplicable to new claim 49, which generally corresponds to original claim 24, because claim 49 is directed to a program stored on a computer-readable storage medium causing a computer to execute a method, which is statutory subject matter. Thus, because new claim 49 recites patentable subject matter, it is submitted that the Examiner's rejection under 35 USC § 101 is inapplicable to new claim 49.

Claims 1-3, 13-15 and 21-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Russo et al. (US 2003/30115490). Further, claims 4-8 and 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Shirai (US 6,763,249) and further in view of Bajikar (US 6,577,274). In addition, claims 9, 10, 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo, Shirai, and Bajikar and further in view of Bishop (US 2002/0065106). Moreover, claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Gressel (US 6,311,272). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Russo in view of Gressel and further in view of Bishop. It is respectfully submitted, for the reasons discussed below, that claims 26-49 are patentable over the Russo, Shirai, Bajikar, Bishop, and Gressel references.

Generally, the invention of claims 26-49 discussed below relates to the authentication process of a user attempting to access or use recording media. Please note that users of recording media typically have a limited physical range and rarely take a long period of time between times which the user connects to the recording media. In view of the above, this invention aims to reduce the number of times a user (i.e., original user) attempting to access or use the recording media is required to go through the authentication process when the recording media has not exceeded a limited physical range or period of time between connections.

New Claims 26-37 are Patentable Over the Prior Art of Record

New independent claim 26, which generally corresponds to original claim 1, recites a portable recording apparatus for connecting to a terminal apparatus and for detecting times and places of connections, the portable recording apparatus including, in part, a storage unit, a judgment unit, a reception unit, a tamper-resistant authentication unit, and a permission unit.

Specifically, the judgment unit is configured for, upon detection of a connection of the portable recording apparatus to the terminal apparatus, obtaining one or both of (i) a time difference, which is a difference between a time at which the connection was detected and a time at which a prior connection was detected, and (ii) a place difference, which is a difference between a place at which the connection was detected and a place at which a prior connection was detected, and judging whether or not one or both of the obtained time difference and the obtained place difference is greater than or equal to a corresponding predetermined value. In addition, the reception unit is configured to request and receive authentication information from a current user if the judgment unit judges that one or both of the obtained time difference and the obtained place difference is greater than or equal to a corresponding predetermined unit. Finally, the permission unit is configured for permitting use of a first user area of the storage unit to the current user if (i) a tamper-resistant authentication unit authenticates the received authentication information of the current user based on authentication information prestored in the storage unit, or (ii) the judgment unit judges that one or both of the obtained time

difference and the obtained place difference is not greater than or equal to the corresponding predetermined value.

In summary, the authentication unit will only authenticate the current user if the judgment unit judges that one or both of the obtained time difference and the obtained place difference is greater than or equal to the corresponding predetermined value. This authentication is used, in part, to permit use of a first user area of a storage device.

Please note that one of the benefits of the configuration recited in claim 26 is that excessive authentication of the original user of the recording medium is avoided based on obtaining and judging the time difference and/or the place difference as discussed above. In other words, excessive authentication is avoided since authentication is not always required.

The Russo reference fails to disclose or suggest the features of the judgment unit or the benefits of the configuration recited in independent claim 26.

Rather, Russo discloses a secure network and networked devices using biometrics, wherein a biometric data sample is taken and compared with stored biometric data (see abstract). Further, Russo teaches that if the biometric data sample matches stored data, access to a secured data storage module 105 is enabled (see abstract). Specifically, the invention of Russo teaches that device 101 contains a verification processor 104, wherein the verification processor 104 is in communication with a secure storage module 105 which provides device 101 with secure data storage 105 (see paragraphs [0045]-[0046]). In summary, Russo teaches that the verification processor 104 verifies (i.e., authenticates) a user based on the user's biometric data and the stored biometric data, and based upon the verification, access to the secure data storage 105 is granted or denied (see[0046]). It is noted that Russo teaches that in order for the user to gain access to the secure data storage 105 the verification process must be initiated since access cannot be granted any other way. Thus, the following differences between the present invention as recited in independent claim 26 and the Russo reference become evident.

In the context of user authentication/verification Russo teaches that an authentication/verification process must be initiated each time a user wants to access data storage. However, Russo does not disclose or suggest the authentication unit which will

only authenticate the current user if the judgment unit judges that one or both of the obtained time difference and the obtained place difference is greater than or equal to the corresponding predetermined value. In other words, as disclosed in Russo, authenticating a user every time a user attempts to access data storage is not the same as or even similar to only authenticating the current user if a specific amount of time has elapsed since a prior connection to the recording apparatus has been made and/or if a specific place difference has been exceeded.

Moreover, the Russo reference does not provide the above-mentioned benefit of the features of independent claim 26 (i.e., that excessive authentication of the original user of the recording medium is avoided based on obtaining and judging the time difference and/or the place difference), since, according to Russo the authentication/verification occurs every time the user connects/accesses (to) the data storage.

In view of the above, it is respectfully submitted that the Russo reference does not anticipate the invention as recited in new independent claim 26. Furthermore, the Russo reference does not suggest the above-discussed limitations and benefit of claim 26. Therefore, it would not have been obvious to one of ordinary skill in the art to modify the Russo reference so as to obtain the invention of new claim 26. Accordingly, it is respectfully submitted that new independent claim 26 and the claims that depend therefrom are clearly allowable over the Russo reference.

Regarding Bajikar, Shirai, Bishop, and Gressel, these references do not disclose or suggest any of the above-discussed features of independent claim 26 which are lacking from the Russo reference. As a result, the above-mentioned references, individually or collectively fail to anticipate or render obvious each feature recited in independent claim 26.

New Claims 38-49 are Patentable Over the Prior Art of Record


New independent claims 38, 46, 48, and 49 recite a system, a terminal apparatus, a method for using a portable recording apparatus, and a program for using a portable recording apparatus, respectively, wherein the judging (or judgment unit) operates in a similar manner as recited in new independent claim 26. Accordingly, claims 38, 46, 48,

and 49 each include at least one limitation that is similar to one of the distinguishing limitations of claim 26 discussed above. Thus, for reasons similar to those discussed above, it is respectfully submitted that independent claims 38, 46, 48, and 49 and the claims that depend therefrom are allowable over the Russo, Bajikar, Shirai, Bishop, and Gressel references.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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June 25, 2007